

### **Remarks**

In view of the above amendments and the following remarks, favorable reconsideration of the outstanding office action is requested. Upon entry of this amendment, claims 1-2, 4, 10-12, 14, 16-21, 28, 32-33, 50-53 and 58 will remain in this application. Claims 32-33, 50 and 53 have been amended herein. Claims 3, 5-9, 13, 15, 22-27, 29-31, and 54-57 are canceled. Claims 34-49 have been previously withdrawn from consideration.

#### **1. Drawings**

The Examiner is thanked for the indication that the formal drawings previously submitted are acceptable.

#### **2. Claim Objections**

Claims 32 and 33 are objected to because of the following formalities: The phrase, "prior to the step of ablating" in line 5 of claim 32 and line 4 of claim 33 appears to contain a typographical error.

Claims 32 and 33 are amended herein to delete the second "to." Accordingly, the objection is overcome and should be withdrawn.

To avoid duplication claims 27 and 29 are cancelled herein.

#### **3. § 103 Rejections**

The Examiner has rejected claim 53 under 35 U.S.C. §103(a) as being unpatentable for obviousness over Japanese Patent No. 02-258643 (Tsuji et al.) in view of US Patent No. 6,124,044 (Swidler).

Claim 53 is allowable because none of the cited references, alone or in combination, teach or suggest applying a protective layer consisting essentially of an alkyl ammonium compound, an aryl ammonium compound, or a wax to a consolidated glass surface of an article used in optical fiber manufacture. Specifically, 6,124,044 to Swidler teaches a peelable film made of an emulsion selected from the group consisting of a vinyl-acrylic copolymer emulsion, and a vinyl acetate-ethylene emulsion. Swidler states that in certain contexts, it is desirable to add releasing agents to facilitate the peelability of the film, such as natural and synthetic waxes.

As amended, claim 53 states that the coating applied consists essentially of an alkyl ammonium compound, an aryl ammonium compound, or a wax. Neither Tsuji nor Swidler, alone or in combination would suggest that the applied coating consist essentially of the

material claimed. Accordingly, claim 53 is not rendered obvious within the meaning of §103(a) as there must be some teaching, suggestion or motivation in the prior art to make the specific combination that was made by the applicant.

Examiner has rejected claim 50 under 103(a) as being unpatentable over Tsuji et al. (JP 02-258643) in view of Swidler (US 6,124,044) and in further view of Brack (US 4,218,294). Likewise, as amended, claim 50 is directed to a method including applying a protective layer consisting essentially of a silane to a consolidated glass surface of the silica-containing article. For the similar reasons as given above for claim 53, claim 50 is also allowable. In particular, there is nothing in Tsuji, Swidler or Brack that would motivate applying a coating consisting essentially of a silane to the consolidated article used in the manufacture of optical fiber. As such, the 103(a) rejection of claim 50 should be withdrawn. Claims 51 and 52 are allowable for at least the reasons given for claim 50.

The Examiner has rejected claims 54-57 under 35 U.S.C. § 103(a) as being unpatentable for obviousness over Japanese Patent No. 02-258643 (Tsuji et al.) in view of US Patent No. 5,739,191 (Woodhall et al.).

Claims 54-57 are cancelled herein. Accordingly, the obviousness rejection of claim 54-57 should be withdrawn.

#### **4. Obviousness-Type Double Patenting**

The Examiner states that claims 1-2, 4, 11-12, 16, 18-21, 28-29, 32, 50-55 and 58 are provisionally rejected as being unpatentable over various claims in of co-pending application No. 09/569,562. Applicant's submit herewith a terminal disclaimer traversing the rejection. Accordingly, the obviousness type double patenting rejection should be withdrawn.

#### **5. Conclusion**

Based upon the above amendments, remarks, and papers of record, Applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests reconsideration of the pending claims and a prompt Notice of Allowance thereon.

Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said


time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Randall S. Wayland at 607-974-0463.

Respectfully submitted,

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